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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,778	12/31/2003	S. Michael Perlmutter	P5202	1019

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT PAPER NUMBER

2687

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No. 10/749,778	Applicant(s) PERLMUTTER, S. MICHAEL	
Examiner Khai M. Nguyen	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/31/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/26/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references listed in the Information Disclosure Statement filed on July 26, 2005 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 9, 13, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al. (U.S.Pat-6138008).

Regarding claim 1, Dunn teaches in a mobile telephone system (abstract), a method for call treatment comprising:

(a) upon receiving a call placed by a caller for a user (col.2, lines 13-31, *calling party using a cellular network and received by a called party*), determining a geographic location for the user's telephone in the system (fig.2a-2d, col.4, lines 9-30, *determines the time at the called party's geographical location*);

(b) determining the time-of-day (TOD) at the telephone's location (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13, *determines the time at the called party's geographical location*); and

(c) informing the caller of the TOD (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13).

Regarding claim 5, Dunn teaches in a mobile telephone system (abstract), a method for call treatment comprising:

(a) determining a geographic location for a subscriber to the system for a call placed by a caller (fig.2a-2d, col.4, lines 9-30, *determines the time at the called party's geographical location*);

(b) determining the TOD at the subscriber's location (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13, *determines the time at the called party's geographical location*); and

(c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13).

Regarding claim 9, Dunn teaches a call roaming system comprising a facility for determining a geographic location of a called party for a call placed by a caller (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13), determining the time of day (TOD) in the called party's location (fig.2a-2d), and informing the caller of the destination TOD (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13, *determines the time at the called party's geographical location*).

Regarding claim 13, Dunn teaches a call treatment system comprising a facility for determining a geographic location of a called party for a call placed by a caller (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13), determining the time of day (TOD) in the called party's location (fig.2a-2d), and checking for and applying treatment options set by the called party if the TOD determined falls within a preset range (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13, *determines the time at the called party's geographical location*).

Regarding claim 17, Dunn teaches a machine-readable medium having stored thereon a set of instructions that cause a machine to perform a method comprising:

(a) determining a geographic location of a called party for a call placed by a caller (fig.2a-2d, col.4, lines 9-30, *determines the time at the called party's geographical location*);

(b) determining the TOD at the called party's location (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13, *determines the time at the called party's geographical location*); and

(c) informing the caller of the TOD (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13).

Regarding claim 18, Dunn teaches a machine-readable medium having stored thereon a set of instructions that cause a machine to perform a method comprising:

(a) determining a geographic location of a subscriber to the system for a call placed by a caller (fig.2a-2d, col.4, lines 9-30, *determines the time at the called party's geographical location*);

(b) determining the TOD at the subscriber's location (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13, *determines the time at the called party's geographical location*); and

(c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6-8, 10-12, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (U.S.Pat-6138008) in view of Logan et al. (U.S.Pub-20050153729).

Regarding claim 2, Dunn teaches the method of claim 1.

Dunn fails to specifically disclose providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call. However, Logan teaches cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone, and Logan teaches providing the caller an option of going directly to voice mail without sending a ring event (paragraph 0018-0019), or sending a ring event for the call (paragraph 0049-0050). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call as taught by Logan with Dunn teaching in order to allow cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call

and automatically transmit a message to transmit specific instructions to the caller at the distant telephone.

Regarding claim 3, Dunn and Logan further teaches the method of claim 2 wherein the caller is enabled by selection to control the ring event (see Dunn, abstract, see Logan, paragraph 0035, 0049-0050).

Regarding claim 4, Dunn and Logan further teaches the method of claim 3 wherein the ring events selected include at least one of a light flash, a buzz or a ring (see Dunn, abstract, see Logan, paragraph 0035).

Regarding claim 6, Dunn teaches the method of claim 5.

Dunn fails to specifically disclose setting treatment options by input from the subscriber. However, Logan teaches cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone, and Logan teaches setting treatment options by input from the subscriber (paragraph 0009). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the



call as taught by Logan with Dunn teaching in order to allow cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone.

Regarding claim 7, Dunn and Logan further teaches the method of claim 6 wherein the treatment options include a password provided by the subscriber (see Dunn, col.3, lines 28-65, see Logan, paragraph 0055).

Regarding claim 8, Dunn and Logan further teaches the method of claim 7 wherein the treatment options include an emergency procedure wherein the caller is prompted for the password to place a call within an otherwise restricted time of day (see Dunn, col.3, lines 28-65, see Logan, paragraph 0055).

Regarding claim 10, Dunn teaches the system of claim 9.

Dunn fails to specifically disclose providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call. However, Logan teaches cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone, and

Logan teaches providing the caller an option of going directly to voice mail without sending a ring event (paragraph 0018-0019), or sending a ring event for the call (paragraph 0049-0050). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call as taught by Logan with Dunn teaching in order to allow cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone.

Regarding claim 11, Dunn and Logan further teaches the system of claim 10 wherein the system enables the caller to control the ring event by selection (see Dunn, abstract, see Logan, paragraph 0035, 0049-0050).

Regarding claim 12, Dunn and Logan further teaches the system of claim 11 wherein the ring events selected include at least one of a light flash, a buzz or a ring (see Dunn, abstract, see Logan, paragraph 0035, 0049-0050).

Regarding claim 14, Dunn teaches the system of claim 13.

Dunn fails to specifically disclose setting treatment options by input from the subscriber. However, Logan teaches cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone, and Logan teaches setting treatment options by input from the subscriber (paragraph 0009). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call as taught by Logan with Dunn teaching in order to allow cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone.

Regarding claim 15, Dunn and Logan further teaches the system of claim 14 wherein the treatment options include a password provided by the called party (see Dunn, col.3, lines 28-65, see Logan, paragraph 0055).

Regarding claim 16, Dunn and Logan further teaches the system of claim 15 wherein the treatment options include an emergency procedure wherein the caller is prompted for the password to place a call within an otherwise restricted time of day (see Dunn, col.3, lines 28-65, see Logan, paragraph 0055).

***Citation of Pertinent Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Sollee et al.** (U.S.Pat-6393288) discloses Method of identifying mobile station location to establish homezone feature.

**Oh** (U.S.Pat-6751483) discloses Method of displaying a local time of a called party in portable mobile terminal.

**Wang et al.** (U.S.Pat-6934543) discloses Method and apparatus for filtering incoming calls in a mobile communication system.

**Rignell et al.** (U.S.Pat-5818920) discloses Apparatus for controlling communication connections based on local time.

**Castagna** (U.S.Pat-6546084) discloses Voice mail system and method with subscriber selection of agent personalities telephone user interface address book and time zone awareness.

**Shaffer et al.** (U.S.Pat-6600817) discloses Method and apparatus for monitoring communication connections within and across time zones.

**Osman et al.** (U.S.Pat-5920614) discloses City, time and toll-charge display when calling telephone numbers.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen  
Au: 2687

10/25/2005

  
10/31/05  
**LESTER G. KINCAID**  
**SUPERVISORY PRIMARY EXAMINER**